

# **EXHIBIT 1**

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

4 BSG RESOURCES (GUINEA)  
5 LIMITED, et al.,

6 Plaintiffs,

7 v.

17 Civ. 2726 (JFK) (AJP)

8 GEORGE SOROS, et al.,

9 Conference

10 Defendants.

11 -----x  
12 New York, N.Y.  
13 August 24, 2017  
14 9:35 a.m.

15 Before:

16 HON. ANDREW J. PECK,

17 Magistrate Judge

18 APPEARANCES

19 GREENBERG TRAURIG, LLP  
20 Attorneys for Plaintiffs  
21 BY: LOUIS M. SOLOMON  
22 NANCY L. SAVITT  
23 MICHAEL LAZAROFF

24 WILLKIE FARR & GALLAGHER LLP  
25 Attorneys for Defendants  
26 BY: ELIZABETH J. BOWER  
27 BENJAMIN P. MCCALLEN  
28 JIM FITZMAURICE

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1 file an application that most likely is going to be rejected.

2 All right. Which of your letters supposedly has  
3 the --

4 MS. BOWER: Your Honor, I don't have that right at my  
5 fingertips, but it was attached to our submission in response  
6 to plaintiffs' August 8 submission to your Honor.

7 THE COURT: By now August 8 is probably in the backup  
8 file because of all the other stuff you've filed. So if you  
9 have a copy to hand me from whatever source, hand it to me;  
10 otherwise, we can't do anything about it.

11 MS. BOWER: Well, the primary issue, your Honor, is  
12 plaintiffs allege in the complaint that there's an unnamed  
13 source from whom they've received a declaration, and they've  
14 refused to produce that to us. We feel that both the  
15 intermediary's name should have been disclosed in plaintiffs'  
16 initial disclosures and it was not, they refused to respond to  
17 our request to do that, and the declaration should have been  
18 produced without awaiting a discovery request.

19 THE COURT: Mr. Solomon, is the declaration something  
20 that is not going to be used in this litigation but was merely  
21 being referred to to show you had good faith to bring certain  
22 allegations in the complaint?

23 MR. SOLOMON: Correct, your Honor, correct. We expect  
24 that this person will in the fullness of time be deposed.  
25 There's an important top list of things we also want from the

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1 other side and --

2 THE COURT: OK. But you waived that, so to speak, by  
3 saying you're not ready to do anything else. Apparently  
4 Ms. Bower is ready on this, unless you're suggesting that there  
5 hasn't been a good faith meet and confer on this and that it  
6 has to await, in which case one or the other of you are likely  
7 going to lose vacation, trial, or whatever time because I'm  
8 going to set a date for our next conference with whatever  
9 limited input you have on your schedules as we do it today, and  
10 I'm not going to go through 20 letters of varying conflicts.

11 MR. SOLOMON: Your Honor, the reason I had stopped was  
12 because I thought the parties should be meeting and conferring.  
13 I apologized at the beginning. I reiterate my apology. The  
14 Court has had too many letters.

15 THE COURT: You all said you desperately needed the  
16 Court to rule and then you didn't do a meet and confer. You're  
17 all here. I've got a 10:30. I've got some telephone  
18 conferences. You want to use the jury room and meet and  
19 confer, you want to all go away and come back next week, you  
20 know --

21 MR. SOLOMON: Your Honor, we'll do either of those.  
22 We asked for a meet and confer. We gave plenty of dates for  
23 meet and confer. The defendant refused to meet and confer  
24 because they hadn't responded -- we hadn't responded to their  
25 requests yet, and they were waiting for that. I think that's

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1 an unnecessary delay. Your Honor is available. We thought we  
2 could deal with our things because we served a month earlier  
3 than they did. They didn't serve theirs. We didn't get to  
4 them when --

5 THE COURT: When is it you all want to come back,  
6 because I'm getting fed up with you today?

7 MR. SOLOMON: Next week, other than Monday is  
8 available -- other than Monday and Friday.

9 THE COURT: Unfortunately, that's the old joke, but  
10 the only days I have are Monday and Friday. I don't want to  
11 interfere with your daughter and school.

12 MR. SOLOMON: Would Monday afternoon -- we have a  
13 pretrial conference in this matter Monday morning in New  
14 Jersey. Would Monday afternoon be available to the Court,  
15 sometime after 2:30?

16 THE COURT: At 4:00 o'clock in the afternoon on  
17 Monday, but are you all going to meet and confer between now  
18 and then?

19 MR. SOLOMON: Yes, Judge.

20 MS. BOWER: That's the point, your Honor. We didn't  
21 refuse to meet and confer, as we've said.

22 THE COURT: Folks, folks.

23 MS. BOWER: We tried to have this discussion in a  
24 reasonable, timely fashion so that discovery was, in fact, a  
25 two-way street. We think it makes sense if we're coming back

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1 next week. Unfortunately, it doesn't look like that's going to  
2 work for your Honor. We're going to have to do it the  
3 following week because we do need time to sit down and hash out  
4 all those issues. We just got plaintiffs' discovery responses  
5 last night after 7:00 o'clock, and we need time to talk about  
6 this.

7 MR. SOLOMON: Your Honor, we're available at  
8 4:00 o'clock, and we're available today and tomorrow and over  
9 the weekend to meet and confer so we don't have to delay this.  
10 I think we've imposed on your Honor enough.

11 THE COURT: Here's what we're going to do. I would  
12 expect better from both of your firms than this. You're going  
13 to go in the jury room and meet and confer and do as much as  
14 you can there, and I'll see if I've got any time to fit you in  
15 later today. I may have a little time between 12:15 and 1:00  
16 and otherwise at about 3:30.

17 So, you know, kindergarten here. Go do your meet and  
18 confer. Now that you've got everything you've got, make as  
19 much progress as you can. It may not be complete. Because,  
20 quite frankly, other than next Monday and Friday, just so you  
21 know, I'm on criminal duty the week of Labor Day, the week of  
22 September 4, which means the only civil cases I do are at 9:30  
23 in the morning for half an hour. Somehow I suspect I'm going  
24 to need more than a half an hour with all of you.

25 I'm out of town the week of September 11. So the next

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1 time I have a little time is the week of September 18th, which,  
2 of course, the Thursday and Friday of that week are Rosh  
3 Hashanah. So the amount of time I can give you is limited.  
4 You've wasted it today. So go meet and confer. When you think  
5 you have enough done that you want to talk to me, call my  
6 chambers. If you have your cell phone, use it. If you don't,  
7 you can use the phone on the deputy's desk and dial 0036. Do  
8 not leave here today until I've seen you, and we'll see where  
9 it goes from there.

10 MR. SOLOMON: Thank you, Judge.

11 MS. BOWER: Thank you, your Honor.

12 (Recess)

13 THE COURT: All right. It's noon. The parties have  
14 finished their meet and confer, at least this aspect of it. As  
15 I understand it, they've sort of moved things into three  
16 buckets: Things they've agreed on, which is great; things that  
17 they may or may not be able to agree on after consultation with  
18 clients; and the third bucket being one that will probably need  
19 judicial intervention unless the ESI protocol or something else  
20 gets that off the table.

21 They have requested a September 1 conference date  
22 which they will cancel if through some miracle they have  
23 resolved everything or at least pushed it further down the road  
24 for potential continuing resolution. So our next conference  
25 will be September 1 at 10:30, and the parties need to,

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1 obviously, continue the good work they just did in the last  
2 hour and a half, two hours, whatever it was in the Court's  
3 robing room, and -- sorry, jury room. And I will see you on  
4 the 1st.

5 Good luck to your daughter or son, Mr. Solomon.

6 MR. SOLOMON: My daughter, Judge. Thank you.

7 THE COURT: With that, we are adjourned. Both sides  
8 are required to purchase the transcript, so make your  
9 arrangements with the reporter.

10 MR. SOLOMON: Thank you, your Honor.

11 (Adjourned)

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